

Advisory Opinions on Consent Agenda - February 2022

Item #	Docket #	Caption	Analysis	Recommendation
G6	2021-999	Withdrawal of an Advisory Opinion Request from Maria S. Edwards on behalf of the Youree Drive Middle AP Magnet School.	Ms. Edwards has requested that the school's advisory opinion request be withdrawn, as they have decided not to make the originally contemplated donation.	Allow withdrawal of the advisory opinion request.
G7	2021-1001	Advisory opinion request regarding whether the Code prohibits Michael Anders from volunteering to serve as a patrolman while his wife, Ramona Anders, serves as the Police Chief of the Village of Hosston.	Section 1119A of the Code prohibits a public employee from being employed in an immediate family member's agency. Section 1102(19) of the Code provides that an individual may be a public employee whether compensated or not. Under the facts presented herein Michael Anders would be appointed to serve as a volunteer patrolman in his wife's agency. This would violate Section 1119 of the Code. Therefore, the Code prohibits Mr. Anders from serving as a volunteer patrol officer for the village while his wife serves as the Police Chief.	Adopt draft advisory opinion.

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G8	2021-1016	Advisory opinion request regarding whether the Statewide Cemetery Response Task Force and/or their designees are required to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1.	The Code would not require members of the Statewide Cemetery Response Task Force and/or their designees to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1, since the CRFT does not have the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year.	Adopt proposed advisory opinion.
G9	2021-1017	Advisory opinion request from Karen Quebedeaux Smith, Justice of the Peace, Ward 3, District 6, relating to whether justices of the peace are required to take the annual ethics training for public employees.	As set forth in Ethics Board Advisory Opinion 2014-1537, justices of the peace are considered "judges" under the Code of Judicial Conduct. Accordingly, as set forth in La. R.S. 42:1167, justices of the peace are governed exclusively by the provisions of the Code of Judicial Conduct, as opposed to the Code of Governmental Ethics. As the annual ethics training required of public employees is established by Section 1170A(3)(a)(i) of the Code of Governmental Ethics, this requirement does not apply to justices of the peace, and Ms. Smith is not required to take the annual ethics training required of public employees.	Adopt proposed advisory opinion.

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G10	2021-1018	Request for Approval of a Disqualification Plan by Nicholls State University President Jay Clune, regarding the employment of Robert and Sondra Podeyn in the Athletic Department.	Section 1119(I) allows Sondra Podeyn to be employed as an Associate Women's Soccer Coach, while her husband Robert Podeyn is employed as the Head Women's Soccer Coach. Further, the disqualification plan meets the requirements of Chapter 14 of the Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics.	Approve the proposed disqualification plan.
G11	2021-1037	Advisory opinion request from Richard L. Traina, a former Assistant Attorney General, relative to providing legal services to the Department of Natural Resources upon his leaving the Louisiana Department of Justice.	The facts provided in this matter appear to involve past conduct.	Decline to render.
G12	2021-1042	Disqualification Plan request from Nicholls State University to approve a plan removing Dr. Quenton Fontenot, Head of the Biological Sciences Department), from participating in matters involving his wife, Dr. Allyse Ferrara, who is a faculty member in the Department.	The plan as proposed complies with the criteria set forth in Chapter 14 of the Rules for the Board of Ethics.	Adopt proposed disqualification plan.

Item #	Docket #	Caption	Analysis	Recommendation
G13	2021-1055	Advisory opinion request, submitted by Stewart Eastman, regarding whether the Code would prohibit him from submitting his work of art to the Abita Springs Trailhead Museum ("Museum") independent selection committee to be juried and potentially sold at the En Plein Air exhibition.	Based on the facts presented, the Code does prohibit Mr. Eastman from submitting his work of art to the Museum's independent selection committee to be juried and potentially sold at the En Plein Air exhibition. La. R.S. 42:1113(B) prohibits an appointed member of any board or commission from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member. Since he is an appointed member of the Museum's Board of Directors, the submission of his artwork to the Museum for consideration, potential selection, and potential sale would be considered a transaction that is under the supervision of his agency, the Museum. The Museum has a direct interest in the transaction, given that the Museum is responsible for selecting the participating artwork (through the selection committee) and the Museum takes a commission from the proceeds of exhibition artwork sold.	Adopt the proposed opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G14	2021-1056	Advisory opinion request, submitted by Allison B. Nihart., regarding whether the Code would prohibit her company, American All-Star, LLC ("AAS"), from allowing St. Tammany Parish school dance teams to participate in events hosted by AAS while she is employed as a teacher with St. Tammany Parish School Board.	Based on the facts presented, the Code does not prohibit Mr. Nihart from allowing St. Tammany Parish school dance teams from participating in events hosted by AAS, while she is employed as a teacher with St. Tammany Parish School Board, as long as none of the students taught by Ms. Nihart participate on those teams. La. R.S. 42:1111(C)(2)(d) prohibits a public servant and any legal entity in which the public servant owns more than twenty-five percent from receiving any thing of economic value for services rendered or to be rendered for any person from whom the public servant would be prohibited from receiving gifts in accordance with La. R.S. 42:1115(A)(1) or (B). La. R.S. 42:1111(C)(2)(d) would prohibit her from receiving a thing of economic value from students taught by her.	Adopt the proposed advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G15	2021-1060	Advisory opinion request from Joseph Buckley, as to whether his company can lease warehouse space from the New Orleans Aviation Board ("NOAB"), while his wife is employed as an Airport Services Agent in the Legal Department of NOAB. Jefferson Parish has a population of 440,781.	Buckley Builds Construction is prohibited from entering into a lease with NOAB. Diane Buckley has a controlling interest in Buckley Builds Construction. As a public servant, Diane Buckley's agency is the Legal Department of NOAB. The Legal Department is charged with drafting and enforcing lease agreements. Thus, Buckley Builds Construction would be prohibited from entering into a lease that is under the supervision or jurisdiction of the Legal Department. While an exception for employees of an airport authority exists, the Louis Armstrong New Orleans International Airport does not fall within the parameters of said exception because it is situated in a parish with more than 225,000 persons and provides scheduled air service.	Adopt the proposed advisory opinion.
G16	2021-1062	Request for Approval of a Disqualification Plan by Mark Voisin, Divisional Director of Ancillary Services, for LSU Lallie Kemp Regional Medical Center, regarding the employment of Greg and Marissa Triolo.	The proposed disqualification plan meets the requirements of Chapter 14 of Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics.	Approve the proposed disqualification plan.

Item #	Docket #	Caption	Analysis	Recommendation
G17	2022-013	Advisory opinion request relative to Linda Curtis-Sparks, Executive Director of the Sabine Parish Tourist Commission, regarding post-employment prohibitions. Sabine Parish has a population of 22,155.	The Code of Ethics would not prohibit Linda Curtis-Sparks from returning to the Tourist Commission on a part-time basis, provided that she is a payroll employee and not a contractual employee.	Adopt the proposed advisory opinion draft.